

Message Text

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PAGE 01 STATE 055486
ORIGIN L-03

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E.O. 11652: N/A

TAGS: MNUC, ENRG, IN

SUBJECT: TARAPUR FUEL STORAGE

REF: NEW DELHI 3405

PLEASE PASS TO THE AMBASSADOR, 9:00 A.M., SATURDAY, MARCH 4

1. A CAREFUL REVIEW OF THE AUGUST 1963 INDO-U.S. AGREEMENT
ON COOPERATION FOR THE CIVIL USES OF ATOMIC ENERGY AND OF
THOSE PROVISIONS DEALING WITH THE DISPOSITION OF SPENT FUEL
DOES NOT REPEAT NOT PROVIDE ANY BASIS FOR CHARGES OF
VIOLATION OF THE AGREEMENT BY THE UNITED STATES.

2. UNDER THE AGREEMENT THERE ARE FOUR POSSIBLE MEANS OF
DISPOSING OF IRRADIATED FUEL:

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PAGE 02 STATE 055486

(A) ARTICLE 2(E) STATES THAT ANY SPECIAL NUCLEAR MATERIAL
UTILIZED IN THE TARAPUR FACILITY MAY BE REPROCESSED IN
INDIAN FACILITIES UPON A JOINT DETERMINATION OF THE PARTIES
THAT THE SAFEGUARDS PROVISIONS OF ARTICLE 6 OF THE AGREE-
MENT MAY BE EFFECTIVELY MAINTAINED;

(B) UNDER ARTICLE 2(F) THE UNITED STATES HAS THE "FIRST OPTION" TO PURCHASE ANY SPECIAL NUCLEAR MATERIAL PRODUCED IN THE TARAPUR FACILITY WHICH IS IN EXCESS OF THE NEED OF THE GOI FOR ITS PEACEFUL NUCLEAR PROGRAM;

(C) UNDER ARTICLE 2(F) OF THE AGREEMENT, SHOULD THE OPTION TO PURCHASE NOT BE EXERCISED, THE GOI MAY, WITH THE APPROVAL OF THE U.S., TRANSFER ANY EXCESS NUCLEAR MATERIAL TO "ANY OTHER NATION OR GROUP OF NATIONS OR INTERNATIONAL ORGANIZATIONS"; -

UNDER THREE OPTIONS ABOVE THERE IS NOTHING IN THE AGREEMENT WHICH OBLIGES THE UNITED STATES TO GRANT ITS APPROVAL TO REPROCESSING OR TRANSFER OUTSIDE INDIA, OR TO EXERCISE ITS OPTION TO PURCHASE THE SPENT FUEL AND STORE IT IN THE U.S.

3. ARTICLE 6, PARA B 3 STATES : THAT ANY SPECIAL NUCLEAR MATERIAL MADE AVAILABLE PURSUANT TO THE AGREEMENT OR PRODUCED IN THE TARAPUR FACILITY MAY BE STORED AT TAPS, UNLESS OTHERWISE AGREED BY THE PARTIES. AND IN FACT THE U.S. HAS BEEN ASSISTING THE GOI IN EVERY WAY POSSIBLE TO INSTALL A HIGH DENSITY STORAGE RACK SYSTEM IN THE TARAPUR BASIN IN TIME TO MEET SCHEDULED TARAPUR SPENT FUEL DISCHARGES.

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PAGE 03 STATE 055486

4. THUS, WE WOULD CONCUR IN YOUR READING OF THE AGREEMENT THAT THE TARAPUR SPENT FUEL STORAGE PROBLEM IS NOT REPEAT NOT THE RESULT OF ANY VIOLATION OF THE AGREEMENT BY THE U.S.G. CHRISTOPHER

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